

IN THE COURT OF JUDICIAL MAGISTRATE,
1ST COURT, RAMPURHAT, BIRBHUM

PRESENT: Smt. Suparna Sinha
Judicial Magistrate, 1st Court,
Rampurhat, Birbhum.

GR Case No. 606 of 2002
(GR Reg No. No. 606 of 2002)

J.O Code No. W.B. 01391

Order;

Dated: 03.03.2022

Today is fixed for hearing of the petition u/s. 311 Cr PC filed on 20.03.2021.

Hazira is filed on all sides.

Heard Ld. APP and Ld. Advocate on both sides.

From the record, it appears that despite being the victim of the instant case, Dibakar Kundu (Brother of the defacto complainant) has not been enlisted in the charge sheet as a witness. Hence, the present petition has been filed praying for calling him as a witness before the Court.

The State raises no objection to the petition.

Ld. Advocate for the accused raises objection to the said petition contending that until the evidence of the charge-sheet witnesses had been completed, Sec. 311 Cr PC cannot be invoked. He further mentioned that a similar petition had been rejected by this Court on a previous occasion. Thus, he prayed for rejection of the instant petition until the evidence of the witnesses enlisted in the charge-sheet have been exhausted.

Sec. 311 of Cr PC states that, “any Court may, *at any stage of any inquiry, trial or other proceeding under this Code*, summon any person as a witness...if his evidence appears to it to be essential to the just decision of the case”. On perusal of the charge sheet, it does appear that despite being the victim of the instant case, the name of Dibakar Kundu has not been enlisted as a witness.

This Court is of the opinion that the evidence of the victim, Dibakar Kundu is crucial to the proper adjudication of this case.

Hence, the petition u/s. 311 Cr PC is considered and allowed.

Issue summon upon Dibakar Kundu.

To 21.03.2022 for evidence of Dibakar Kundu.

D/C by me
J.M – 1

Judicial Magistrate
1st Court, Rampurhat.